FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6323 OF 2004

Office Notes, Office Memoranda appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Order

Mr.R.S.Apate, for Petitioner.

CORAM: D.K.DESHMUKH,J.

DATED: 26th October, 2005.

P.C.:-

Heard the learned Counsel for the petitioner. In my opinion, after having gone through the order passed by the Appeal court, it will not be appropriate to set aside the order impugned at this stage.

Considering that the matter relates to the demolition of the building which

according to the Corporation is in dilapidated condition and is dangerous to occupy, in my opinion, the following order would meet the ends of justice:-

(i) The petitioner-corporation shall call for the report from its Engineer about the present situation of the building and if on the basis of that report the Corporation is of the opinion that the building needs to be demolished, the petitioner-Corporation shall make an application to the District Court for modification or cancellation of the order which is impugned in this petition, on the basis of situation that is in existence.

(ii) In case such an application is made by the petitioner-Corporation, the learned District Court shall dispose it of in accordance with the law, after hearing the respondents.

The petition is disposed of.